

## REMARKS

In the May 20, 2008 Office Action, claims 5-7 stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

### *Status of Claims and Amendments*

In response to the May 20, 2008 Office Action, Applicants have amended claims 5 and 7 as indicated above. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

### *Rejections - 35 U.S.C. § 102*

On page 2 of the Office Action, claims 5-7 stand rejected under 35 U.S.C. §102(b) as being anticipated by Unezaki et al. (JP 2002-357337-A, hereinafter “Unezaki”). In response, Applicants have amended independent claims 5 and 7 to define the present invention more clearly over the prior art of record.

In particular, independent claims 5 and 7 recite an air conditioner updating method and a refurbished air conditioner that require existing refrigerant piping *that is connected a heat source unit and a user unit and, reused as is when updating the air conditioner is complete.* Applicants respectfully assert that this structure is *not* disclosed or suggested by Unezaki or any other prior art of record.

Specifically, Unezaki teaches that once R407C is collected, piping washing station 11 and bypass pipe 5 will be *removed* and new heat source and indoor unit will be *installed* to complete washing and replacement process for the so-called existing piping 4 and 6 and the air conditioner that is disclosed in the Unezaki Publication (see Fig. 1 and para 0051 of the Unezaki Publication). Thus, Applicants assert that the so-called existing piping 4 and 6 is *not reused as is* (i.e., in the presently existing condition *without modification*) *when updating the air conditioner is complete.* And the aforementioned process (i.e., the process involves with removal and installation of at least one part of the air conditioner) of the Unezaki invention is used for all other embodiments disclosed in the Unezaki Publication. For instance, the second embodiment (Fig. 13 of Unezaki) further teaches a high low heat exchanger 25 in addition to the process taken under the structure shown in Fig. 1. The third

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<sup>i</sup> Definition of *as is*: in the presently existing condition without modification  
(Source: Merriam-Webster Online Dictionary <http://www.merriam-webster.com/dictionary/as%20is>)

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embodiment (Fig. 19 of Unezaki) further teaches a gas cooler 27 in addition to the process taken under the structure shown in Fig. 13, which is based on Fig. 1. The fourth embodiment (Figs. 22 and 23, which are based on Fig. 13, which is based on Fig. 1) further discloses a mineral oil recovery system 31 instead of a piping washing station 11. However, here again, Unezaki discloses that the mineral oil recovery system 31 and bypass pipe 5 is removed and a heat source unit 28 and interior unit are installed and connected to the so-called existing piping 4 and 6 to finish pipe washing (see para 0090 of the Unezaki Publication). Therefore, Applicants assert that the so-called existing piping is **not reused as is when updating the air conditioner is complete.**

It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each element of the claim within the reference. Therefore, Applicants respectfully submit that claims 5 and 7, as now amended, is not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Moreover, Applicants believe that the dependent claim 6 is also allowable over the prior art of record in that it depends from independent claim 5, and therefore is allowable for the reasons stated above. Also, the dependent claim 6 is further allowable because it includes additional limitation. Thus, Applicants believe that since the prior art of record does not anticipate the independent claim 5, neither does the prior art anticipate the dependent claim.

Applicants respectfully request withdrawal of the rejections.

#### *Conclusion*

In view of the foregoing amendment and comments, Applicants respectfully assert that claims 5-7 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

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